

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PAT & LARRY INVESTMENTS, LLC)	
)	Case No.
Plaintiff)	
v.)	JURY TRIAL DEMANDED
)	
MASTER WHOLESALE & VENDING)	On removal from the Circuit Court of St.
SUPPLY, INC., RANDALL L. GROTH,)	Louis County Case 22SL-CC00369
and HOPE GROTH)	
)	
Defendants.)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendants Master Wholesale & Vending Supply, Inc. (“Master Wholesale”), Randall L. Groth (“Randall Groth”), and Hope Groth, through their undersigned counsel, hereby removes this action from the Circuit Court of St. Louis County, State of Missouri (the “State Court Action”) to the United States District Court for the Eastern District of Missouri, Eastern Division. In support of this Notice of Removal, defendants aver as follows:

Procedural History and Plaintiff's Allegations

1. On January 13, 2022, plaintiff Pat & Larry Investments, LLC (“Plaintiff” or “P&L”) filed the State Court Action in the Circuit Court of St. Louis County, State of Missouri. The Petition is attached hereto as Exhibit A, which also includes a copy of the process, pleadings, and orders received in the State Court Action. The Petition alleges that defendant Master Wholesale & Vending Supply Inc. (“Master Wholesale”) breached a lease with P&L and P&L is owed \$667,663.05 in damages as a result of Master Wholesale’s breach. The Petition also alleges that Randall Groth and Hope Groth owe P&L \$667,663.05 under a January 31, 2017

guarantee. The Petition seeks damages, attorneys' fees, and costs. Randall Groth has received a copy of the Petition, but has not answered or otherwise pleaded in response to the Petition.¹

The Procedural Requirements for Removal Have Been Satisfied

2. This action may be removed to this Court pursuant to 28 U.S.C. § 1441(A) and all co-defendants who have been properly joined and served with state-court process have consented to removal. Specifically, Master Wholesale, Randall Groth, and Hope Groth consent to removal.²

Grounds for Removal

3. On January 13, 2022, Plaintiff commenced the State Court Action by filing a Petition in the Circuit Court of St. Louis County, State of Missouri (the "Petition").³ Plaintiff served a copy of the subpoena and Petition on defendants Master Wholesale, Randall Groth, and Hope Groth on January 23, 2022.

4. Plaintiff is a limited liability company organized under the laws of the State of Missouri. (Pet. ¶ 1.) According to the Missouri Secretary of State's Website, the two members of the Plaintiff are Patricia A. Jones and Larry E. Jones, who are both citizens of the State of Missouri. (**Exhibit A**: Articles of Organization).

¹ The petition alleges that three exhibits, Exhibit A (the Lease), Exhibit B (the Renewal) and Exhibit C (the Guaranty) is attached to the Petition. None of the Exhibits were attached to the Petitions served upon defendants.

² Master Wholesale is no longer a legally incorporated entity. On July 13, 2018, Master Wholesale changed its name through the Wisconsin Department of Financial Institutions to MW TWO, Inc. On December 23, 2020, Articles of Dissolution were filed with the Wisconsin Department of Financial Institutions for MW TWO, Inc. MW TWO, Inc. was administratively dissolved as of December 23, 2020. MW TWO, Inc.'s prior registered agent was Randall Groth.

³ State venue was established based upon an incorrect claim that the property was located in St. Louis County; the property is located in St. Louis City.

5. Master Wholesale is not a citizen of any state because it is the f/k/a name of MW TWO, Inc., which is a dissolved Wisconsin corporation. Master Wholesale used to be a citizen of the State of Wisconsin with its principal place of business in Wisconsin. (*See* Pet. ¶ 2.)

6. Randall Groth is a citizen of the State of Wisconsin. (Pet. ¶ 3.)

7. Hope Groth is a citizen of the State of Wisconsin. (*Id.* ¶ 4.)

8. The Petition alleges that Master Wholesale breached a lease agreement with Plaintiff. (*Id.* ¶¶ 8-19.) The Petition seeks \$667,663.05 against Master Wholesale. (*Id.* ¶ 17.)

9. The Petition alleges that Randall Groth and Hope Groth breached a personal guaranty agreement with Plaintiff. (*Id.* ¶¶ 20-25.) The Petition seeks \$667,663.05 against Randall Groth and Hope Groth. (*Id.* ¶ 25.)

10. This Court has original diversity subject matter jurisdiction over the claims brought by Plaintiff pursuant to 28 U.S.C. § 1332(a), because the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different States.

Other Procedural Requirements

13. Plaintiff served a copy of the summons and Petition on defendants Master Wholesale, Randall Groth, and Hope Groth on January 23, 2022. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is being timely filed within 30 days of receipt of the summons and Petition by Randall Groth and Hope Groth.

14. Master Wholesale, Randall Groth, and Hope Groth removes this action to the United States District Court for the Eastern District of Missouri, which is the judicial district and division in which the action currently is pending.

15. A Removal Notice, together with a copy of this Notice, shall be filed with the Clerk of the Circuit Court of St. Louis County, and shall be served on counsel for Plaintiff.

16. No motions in this action are pending in the State court.

17. Pursuant to 28 U.S.C. § 1446(a), defendants Master Wholesale, Randall Groth, and Hope Groth attach to this Notice true and correct copies of all process, pleadings, and orders served on the defendants in the State Court Action pending in Missouri as **Exhibit B**.

Non-Waiver of Defenses

18. By removing this action from St. Louis County, Missouri state court, defendants do not waive any defenses available to them.

19. By removing this action from St. Louis County, Missouri state court, defendants do not admit any of the allegations in Plaintiff's complaint.

Jury Trial Demanded

20. Defendants Master Wholesale, Randall Groth, and Hope Groth demand jury trial.

WHEREFORE, defendants Randall Groth and Hope Groth hereby remove this case from the Circuit Court of St. Louis County, Missouri to the United States District Court for the Eastern District of Missouri.

/s/ Jonathan Barton

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Attorneys for Defendants

Certificate of Service

I HEREBY CERTIFY that true and correct copies of this Notice of Removal were served on February 18, 2022, on the following attorneys of record by CM/ECF, first class mail and email:

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/s/ Jonathan Barton